INSURANCE.

The Fire&Marine Insurance Co. OF WHEBLING.

INCORPORATED IN 1837. TAKES BISKS AT THE LOWEST RATES ON Buildings of all kinds, Steamboats, Furniture and Morchandise, and against all dangers attending the Transportation of Goods on vivers, seas, takes, canals and relivereds.

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O Achesos John Donlon, Rob't Morrison
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AP Applications for Insurance will be premptly at
ended to by the President and Secretary. R W. HARDING, Soc'y. HENRY CHANGES, Pros't

FRANKIN INSURANCE COMP" OF WHEELING, VA. CAPITAL - - \$150,000.

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Till S COMPANY having been duly organized, are prepared to take risks at fair rates on buildings of all kinds, merchandias, manufacturing establishments, furniture, ateamboats and cargoes on the Western rivers and lakes, and also on the lives of tersons for a term of years. This Company offers superior inducements to farmers, whereby they can be insured for three years at reduced rates. This being a home institution, composed of some ninsty-four stockholders, most of whom are among our best business men, recommends itself to the favorable consistent men, recommends itself to the favorable consistent men, recommends itself to the favorable constockholders, most of whom are among our best bu-siness men, recommends itself to the favorable con-sideration of the insuring public, and solicits their patronage,
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Londad to by the Secretary.

Office, No. 1 McLure House, being the same for merly decayled by Adams Express Company.

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ASSETS JULY 1, 1862.

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UNITED STATES and STATE STOCKS, New York, Ohio, Kentucky, Tennesco, Missouri Michigan, Indiana...

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LOSSES PAID, UPWARD OF

The great public service, promptness and reliability of this well-tried a fi sterling Company, recommend it to preference; ith those needing Instrance. N. C. ARTHUR, Ag's.

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J. GERER SPROUL, Sec'y.

J. HE above Company having appointed the undersigned their Agent for Whoeling, and vicinity, would respectfully solicit the patronage of she public. Said Companies are well known to be first class offices.

Takes risks at the lowest rates on buildings of all kinds. Steambeats, Furniture, Merchandise, and against all the perils of the Rivers and Sees.

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THE HOME INSURANCE COMPANY The largest Cash Capital for the amount of risk o any office in the United States.

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\$300,000 CASH CAPITAL (paid in) ... Much the largest Cash Capital of any office charte M 63 Fireand Inland risks taken on the most reaonable terms.

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Main street, Wheeling.

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E. This Company is owned and managed by
many of our most wealthy and influential Morobants. Their office has lately been removed to No.
I. McLure House Building, and is fully organized
and prepared to take risks on Frame and Brick
Buildings, Manufacturing Restablishments, Stocks at
Merchandise, Household Furniture, 40, 45, On
Hulls of Steamboats, Rarges, Fistboats, and their
cargoes, upon the Western rivers; and on Steamships,
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Paily Intelligencer BUSINESS CARDS.

R. F. TURNER, M. D.,

HOME PATHIC PHYSICIAN,

OFFICE 179 FOURTH STREET,

(In the office formerly occupied by Dr. Houston,

CALDWELL & BOYD,

Attorneys at Law,

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WHOLESALE DRUGGISTS

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The Ci.izen's Deposit Bank BANK OPEN FROM 9 O'CLOCK A. M., UNTIL B

P. M. Discount days—Thursdays at 10 A. M.
Yoney received on transient deposit.
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ntry Merchants are particularly requested to xamine my stock. S. N. PRATHER.

The People's Bank.

O FFIOR No. 60 Main street, Wheeling, Va.
Money received on deposit. Interest paid or

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Notes and bills discounted. Exchange bought and bold. Collections at home or from abroad promptly

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"THE [IION,"

ARCH STREET,

Between 3rd and Sth, Philadelphia.

THE UNDERSIGNED, having renewed the lease of the shore popular Hotel for a series of years, would respectfully call the attention of the Travel-ing Public to its central locality, either for business

ing Public to its centirely removated and re-fur-rished, and kept in such a manner, as to merit, as heretolors, a liberal share of public patronage.

With many thanks to former grands, and the trav-sling public, we trust we may have the pleasure of waiting upon them on again visiting the city.

Yery Respectfully,

THOMAS S. WEBB & SON.

WM. SHAFFER,

PRACTICAL WATCH MAKER

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ines and Liquors,

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WHERLING, VA.

Wheeling, Vs.

GEORGE M. BOYD,

TERMS OF ADVERTISING. Twelve Solid Lines of Nordarri, (or one inch.) or Less, make a Square.

All advertisements from transient persons or strang

All advertisements from transient persons or strang era, to be paid for in advance.
Business Cards not exceeding five lines, \$10 per year, or \$6 for six months, but for a shorter period nothing will be counted less than a square.

The privilege of Annual Advertising is limited to the Advertisers' own immediate business; and all advertisements for the benefit of other prsons as well as all legal advertisements, and advertisements of anotion sales and real estate, sent in by them must be paid for at the usual rates.

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WHEELING, VA.

AVE removed to their NEW WAREBOOMS, No
47 Main Street, and No. 8 Quincy Street.

Main Street Entrance, next door to Baker
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R. B. Depot, and wharf. R. B. Depot, and wharf.

DRUGS, PAINTE, OILS,
MEDICINES, VARFISHES, BRUSHES,
WINDOW GLASS, PERFUMERIES, WHITE LEAD
PATENT MEDICINES, &c.

Offered to the trade, in city and country, at low prices
and of the best quality. Cash and prompt
customers are invited to call. apl, 59 accordingly.

Notices for Political Meetings to be charged in all cases at full rates.

Marriages, Notices of Funerals, and eunoncements of sermons, 50 conts each.

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The First West Va. Legislature. HOUSE OF DELEGATES Sketches Personal, Political and Biographical.

JOHN S. BARNS, from Marion. he now represents, the place of his nativity pect it by his looks. He belongs to an old and quite family numerous of that name.— His grand-parents were among the first set-

DEALER IN WROUGHT IRON, GALVANIZED, and all sizes of Lead Ploes, Shee's Lead, Brass Oocks and Valves, Steam whittles, Steam and Water Guages, Lift and Force Pumps, Links, Hose, Antifriction Metal, Byanear Tin, Zinc, Antimony, Oracibels, Jalvanized Lightning Eods, Inssigned, and Points. V.ENT POR THE MENERLY BELIA. Aquedact Pires constantly on hand.

Osth paid for Copper, Brass and Lead. Barnsville.

He represented Marion county in the Englishaure at Richmond in 1853, '54, '55 and '56 and was prominent in his adven-Legislature at Richmond in 1893, '94, '99 and '86, and was prominent in his advocation of West Virginia rights and interests, and in his opposition to those enormous swindles, called by courtesy "internal improvements," by which the State debt was interested to such overgrown proportions. increased to such overgrown proportions. In the winter of '55, he spoke in opposition And Wholesale Dealers in
DARIRON, SHRET IRON, NAILS, NAIL RODS,
D Steel Springs, Arles, Window Glass, Wine Botties, Deutjohns, Plasks, Wooden Ware, Wrapping
Paper, Lime, Coment, Plaster Paris, &c.

Torties or articles not in our line will be furnished and forwarded without delay at the lowest
cash rates. to the appropriations for the Covington and Manassas Gap railroad, and was ardent and

gealons all the way through in his opposi-tion to these and kindred measures. Mr. Barns was in the hottest of the fight with Jones' cavalry at Fairmont, which took place on the 29th of last April, and then and there received a severe wound in the head from a musket ball, which cut the his rights. It is only asserting the principle skull pretty deep but did not dangerously in another form, that allegiance and pro-fracture it. He was cananed several weeks tection are inseparable; and where a man fracture it. He was cananad several weeks tection are inseparable; and where a man to his room and the wound is barely heal-K HEP constantly on hand Brandles, Scotch and Irish Whiskies, Jamaica Rums and Cordials Onoice Old Rys and Reurbop Whiskies. sep27—1y

the secession ordinance; believed the Leg-islature had no power to call it; for this reason, when solicited, declined to be a candidate for the Convention. He voted, with many others, in the June Convention against the ordinance for a division of the State, believing the time had not come, though he had always been for division; A LWAYS on hand a choice and varied steck of HATS and CAPS for Mons' and Boys' wear.

Being desirous of establishing a permanent trade, both in the city and surrounding country, all those who faver me with their patrorage can rely on being supplied with the best goods at the lowest figbut when that ordinance was submitted to the people voted for it. He voted for the Constitution when submitted in April, 1862, and voted an informal vote at the same time for emancipation, and of course voted for the amended Constitution last

Religiously, Mr. Barns is a member of the Methodist Protestant Church, and has been for the past twenty years; a great part of the time a steward and class

Mr. Barns is the owner of two slaves; has always believed slavery an injury to the State and that it ought to be abolished, but holds it a matter that belongs entirely to the States interested.

Personally, Mr. Barns is about five feet nine inches in height, and rather sparely built, wears a smoothly shaven face; bair rather dark and growing some what thin on top; features not handsome, but agreeable in expression; eyes blue gray, and rather shrewd; is fluent in conversa tion, but does not speak often, though he s very attentive to and earnest about bus-ness, which he is likely to know as much about as the next one. That he is a shrewd business man, and looks out for the priaipal chance is evidenced by the fact that he is possessed of a very fair share of this usually does to his own, they will have no cause to complain of him as a representa-tive. In manner he is affable and unreserved, and upon the whole is a very good

member and agreeable gentleman.

rate in Western Virginia. As a means to break up the restored government of Virginia, these rangers were seizing its officers.

Major Darr was concerned, and that if Darr (Thompson,) could not have the protection of the Court pales, he took the oath for treason. Numbers of these officers had died in prison, and more than 400 loyal men and women remained incarcerated at Richmond and Salsbury, N. C., on the 1st of February last. All efforts for their re-

lease had been of no avail.

The General Assembly of Virginia, on the 3d of February 1863, passed the following Act: (after reciting in substance, in a preamble, the above statement of facts.)

"1. Be it enacted by the General Assemble, the statement of facts.)

bly of Virginia, that the Governor of this Commonwealth is hereby authorized and requested in all cases of the seizure of the persons of loyal citizens of this State, by any parties acting under the authority of the so-called Southern Confederacy, the pretended government of Virginia at Richmond, or other military organization acting in sympathy or concert with them, to seize and hold as hostages for the safe rendition of such person or persons so seized and held, so many persons of known disloyal sentiments as in his discretion may be ne-

cessary to effect said rendition, 2. This Act shall be in force from its

assage." A copy of this Act was furnished the President of the United States, and a de-

Judge Jackson says the law is uncon-stitutional. I deny it. Self preservation and quite family numerous of that name.—
His grand-parents were among the first settlers of that region, then included in Monongalia county. His grandfather in the memorable year of 1776, planted corn on memorable year of 1776, planted corn on the settlers and purposes, in confinement is the first law of our nature. The excided when he issued his writ for State of threatened by the kidnapping of itsofficers alone, striking the name of the University of law authority to send him to send where he did.

The requiring of writing the name of the University of law authority to send him to send where he did.

The requiring of writing the name of the University of law authority to send him to send where he did. memorable year of 1776, planted corn on the bank of the Monongabela, half a mile below Fairmont. Mr. Barns' ancestors were English. He was reared a farmer; married at the age of 25; subsequently lost in a substitution of the same of the substitution of the same of the substitution of t Kidwell. Mr. Barns has been in business or property without due process of law." as merchant, a great part of bis life. At I deny the applicability of this provision present he is a farmer, and agent of the Baltimore and Ohio Railroad Company at The Congress of the United States pass-

ginia ever singe-copied into all the codes, and is now found in the statutes of the

out on a political road of his own. He has always been a strict constructionist, believing that the Federal Government was supreme, in all particulars where the Constitution expressly made it so, and that the States were supreme in all others, but interly denies any power of specession on the part of any State. He was opposed to the call for the Convention which passed upon their protection; and where the disloyal have engaged in open war, it is the duty of the State to protect, though it cost the life of every one of its enemies. If it has the right to protect by self-ing and holding as hostages. But, according to Judge Jackson's idea, all our laws authorizing the Executive of the State to call for the Convention which passed upon their protection; and where the disloyal have engaged in open war, it is the duty of the State to protect, though it cost the life of every one of its enemies. If it has the right to protect by self-ing and holding as hostages. But, according to Judge Jackson's idea, all our laws authorizing the Executive of the State to call out the militis to suppress insurrections and the militing to suppress tion or rebellion are unconstitutional, and our riot law, by his reasoning, is placed in the same category. Listen to the follow-ing: "It is true the State possesses the inherent right of self-defense; but no State, under our Constitution, relies upon her own natural and inherent right for defense." These propositions may be used for one thing or another; and they serve to Illustrate that the Judge was bewildered and did not understand his subject.

You will observe that the act passed Feb. 3d 1863 authorizes the arrest of disloyal persons. It requires no writ, process mitment. When a hostage is arrested, the State courts are open to him, and he can base his application for discharge on any one or all of the following ressons: let that there is no loyal citizen of the State imprisoned by the rebels; 2d that the hostage is a loyal citizen; or 3d that the law is unconstitutional. The Circuit Court of the State will hear testimony on the first two, and consider of the third. If it decide adversely to the application, he can appeal. There cannot, however, be shown a case where the United States Court has interposed when the party was held by Etate authority, without

with the details of this case. My suswer filed in court, to which the Judge alludes in his published opinion, gives the facts. world's goode; and if he attends to the In it, I state, that Thompson was detained interests of his constituents as well as he in custody as a hostage for Mr. Trahern and other loyal citizens, who had been ar-rested and carried to Richmond and imprisoned, and were still detained there; that I intended to hold Thompson as a hos-tage until they were released; and that I denied the jurisdiction of the court.

member and agreeable gentleman.

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was included, he could plead former judg-ment of the court. Major Darr's name was thereupon struck from the second writ, the thereupon struck from the second writ, the Judge thereby recognizing judicially, that Thompson was not in the castody of the United States. Thus in this amended second writ, none but State officers were included.

In the opinion as published, the court speaks of "contradictions" between answers and testimony. There was no different structure opinion, coaxing Thompson to take the oath, saying meanwhile, good loyal citizen, as I know you to be, if you wont renew your allegiance, and as all your friends live just over there, and you must give bond and security that you wont return

swers and testimony. There was no difference between the answer of Major Darr and his testimony. Both were made under oath. Nor was there any difference between any of the answers and the testimony, and the Judge having preferred the charge of "contradictions" was bound, as Judge of a United States Court, and should an honorable man, to show them in his opinion, as he notified the public that he intended to publish it. But he failed to sayons them, and from the avidity with the sayons them. expose them, and from the avidity with which hr seized upon excuses to justify his there is no charge or proof of disloyalty judgment, and the license he took in imputing bad notions to others, it is fairly inferable, that if there had been any "conthem forward.

He quotes the act of Congress which provides, "that the writ of habeas corpus shall, in no case, extend to prisoners in jail, termination to enforce it by arresting dis-tinguished hostages on both sides of the lor of authority of the United States; or are unless they are in costody under or by cotinguished hostages on both sides of the committed for trial before some court of the line by the Executive of State, was made committed for trial before some court into known to the Confederates at Richmond. same; or are necessary to be brought into court to testify." Thompson was not necessary to be brought into court to testify." committed for trial before some court of the a rule of the Court. Therefore the requir-John S. Barns, one of the members from dred loyal men were released and returned cossary for a witness, nor was he commithe now represents, the place of the askert being near his present home, but a short tained, however, Mr. Trabern, Sheriff of ed that he was not in the custody of tained, however, Mr. Trabern, Sheriff of ed that he was not in the custody of tained, however, Mr. Trabern, Sheriff of ed that he was not in the custody of tained, however, Mr. Trabern, Sheriff of ed that he was not in the custody of tained, however, Mr. Trabern, Sheriff of ed that he was not in the custody of tained, however, Mr. Trabern, Sheriff of ed that he was not in the custody of tained, however, Mr. Trabern, Sheriff of ed that he was not in the custody of tained, however, Mr. Trabern, Sheriff of ed that he was not in the custody of tained, however, Mr. Trabern, Sheriff of ed that he was not in the custody of tained, however, Mr. Trabern, Sheriff of ed that he was not in the custody of tained, however, Mr. Trabern, Sheriff of ed that he was not in the custody of tained, however, Mr. Trabern, Sheriff of ed that he was not in the custody of tained, however, Mr. Trabern, Sheriff of ed that he was not in the custody of tained states, by dismissing the case against Major Darry, the only United States, against Ma restored government stopped. They re-tained, however, Mr. Trabern, Sheriff of ed that he was not in the custody of the officer known in the case. Thompson was, ficers alone, striking the name of the Unior is simply an absurdity. Paroles of ted States officers therefrom after it had been inserted.

He refers to the act of Congress which requires the Secretary of War to return a civil proceedings. The records of all courts list of all persons under arrest, and not held as prisoners of war by the United in Europe, connot furnish a parallel for his wife, and married again about five years ago. His first wife was a sister of Dr. Z. "no person shall be deprived of life, liberty States. He says the Secretary of War recognized the validity of the law, by fur-nishing the court with such a list. But But Thompson's name was not on the list fur-nished by the Secretary, thereby showing, most conclusively, that Secretary Stanton did not regard Thompson as held by authority of the United States. Further, the Judge knew it from the testimony of Maj. Darr, who explicitly declares, under oath, that he was not so held.

But all this does not satisfy the learned

do the same. This act was passed previous Judge that he has no jurisdiction. He to 1790, and it has been the law of Vir- states, with a flourish and seeming triumph, that Major Darr was an officer of the United States, holding his commission un-State. This law, in both cases, proceeds upon the fundamental principle (for it is State authority, and if he had a commission found in the law of nations, which is the under State authority, he could not exercise law of nature) that no person has any his power under it, so long as he exercised his power and performed his duties under his allegiance to another State or nation, which commission from the Federal government - this acts so far as he performed them gatory," He then draws the deduction that the arrest, under direction of Major to his room and the wound is early neared now. It was a favorite saying of his defeated opponents that this wound elected Mr. Barns to the House of Delegates, and one of them is reported as having said to him, "Ab, John, the bullet which wounded you killed me."

refuses allegiance ne certainly has no right to protection in time of war. Judge Jackson admits this principle in the centainty has no right to protection in time of war. Judge Jackson admits this principle in the centainty has no right to protection in time of war. Judge Jackson admits this principle in the centainty has no right to protection in time of war. Judge Jackson admits this principle in the centainty has no right to protection in time of war. Judge Jackson admits this principle in the centainty has no right to protection in time of war. Judge Jackson admits this principle in the centainty has no right to protection in time of war. Judge Jackson admits this principle in the centainty has no right to protection in time of war. Judge Jackson admits this principle in the centainty has no right to protection in time of war. Judge Jackson admits this principle in the centainty has no right to protection in time of war. Judge Jackson admits this principle in the centainty has no right to protection in time of war. Judge Jackson admits this principle in the centainty has no right to protection in time of war. Judge Jackson admits this principle in the centainty has no right to protection in time of war. Judge Jackson admits this principle in the centainty has no right to protection in time of war. Judge Jackson admits this principle in the centainty has no right to protection in time of war. Judge Jackson admits this principle in the centainty has no right to protection in time of war. Judge Jackson admits this principle in the centainty has no right to protection in time of war. Judge Jackson admits this principle in the centainty has no right to protection in time of war. Judge Jackson admits this principle in the centainty has no right to protect Darr, gave it color of arrest under authority you killed me."

Politipally, Mr. Barns has been a Democrat, from the time he was eighteen years of age. He did not vite for Gea. Jackson but only for the reason that he was not old enough. When the Democratic party splic at Charleston he adhered to that wing of it represented by Mr. Douglas, and voted for that candidate, for President, in 1860.

His father was a Whig, as were his brethers, but singularly he enough did not imbibe Whig principles, but get not imbibe Whig principles, Barts and the fails to discharge that duty, the government and if he fails to discharge that duty, the government facts. Major Darr has no commission from the Federal authorities, nor did he est support." That view of the case 7c. That view of the case 7c. T preceding section shall not be construed to exclude from office, militia officers or soldiers on account of the recompense they may receive from the United States, when fact of the commission of Major Darr, which gives color, and thereby jurisdiction, has no existence. Major Darr is simply a militia officer of Virginia, receiving his pay from the United States, while in service, directed by the Secretary of War to take ommand of the Post at Wheeling, and act as Provost Marshal of the State, and while so acting to assist the Executive.

I will give a single example, for illustration, to show the atter absurdity of the Judge's proposition. Major Darr is in command of the Post at Wheeling,-has volunteer militis under him. The State has guns and ammunition in store, purchased guis and ammunition in store, purchased with the money of the State, to furnish the militis. A band of robbers break into the Arsenal. The act comes to the knowledge of Major Darr, who, without my being cognitant of the fact, arrests the guilty parties, placing them in jall, or among the prisoners in the United States prison, awaiting trial before a State Court for offences committed against the laws of the State. Now, according to Judge Jackson, he will take them out and release them out on write of habeas corpus, notwithstanding the Act of Congress says, that in such cases the write shall not issue by the Courts of the United States. Yet, Judge Jackson says Major Darr was a commissioned offi-cer of the Federal Government, and because without the knowledge of the Government he party had been previously acting under or any of its officers, he arrested the rob-United States authority, and for that was detained by the State. Under such circumstances the court protects itself and its process.

Darr having his commission from the Federal Government, "his acts, under State authority, were nugatory," and whatever he did, was under authority of the United States, and, therefore, gave color to the arrest under United States' authority.-That being true, Judge Jackson's jurisdiction attached, and having once attached, it cannot be deprived of it although the parties may have been prosecuted and convicted of robbery in a state court.

But the Judge would rest his jurisdic tion an another ground. The guns and ammunition stolen, were there to aid the government of the United States to sup-press the rebellion, and being, in addition

NUMBER 281

bond and security that you wont return without the authority of the military of the United States; and, further, that you must execute your written parole of hono

that you wont return. ity for requiring any citizen against whom before he will extend to him the protection of the Court, unless he does it under a tradictions," he would have gladly brought rule of the Court, where he has good reason to suspect the loyalty of the party. But he declares in his opinion, that there is neither charge nor proof of Thompson's disloyalty before him, and shows by his order giving him the alternative of execu-

ing of the oath was illegal. Nor had he any authority for requiring Thompson to leave the State. The Judge declares him to be a citizen of West Virginia, against whom there was neithe charge por proof of disloyalty. The bonds, then, requiring him to leave the State, is wold, being required by the Court without any authority of law. He had the same authority to send him to Botany Bay, as

The requiring of written parole of hon tions, required by military authorities of combatants only, and entirely unknown in absurdity and ridiculousness compared with this case.

My object has only been to present the case without extended comments, in order that the public may pronounce such judg-ment as the case requires. I suppose there is not a lawyer in the country but sincerely regrets the humiliation of seeing a mar on the bench first prescribing extra judicial oaths under solemn order—then backing down and entering up orders of banishment without authority of law, and finally requiring written paroles of honor. might say more—I might have said less. July 9th 1863. F. H. PRIRPOIST

HO! FOR THE SUMMER RESORTS

The Ohio White Sulphur Springs WILL be formally opened on the 17th of June the anniversary occasion of the meeting of the

With the normally opened on the first of Sune the anniversary occasion of the meeting of the Ohio Medical Society.

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